

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

D. B.,)	
Plaintiff,)	
)	
v.)	Case No.: 4:12-CV-00654-JAR
)	
ST. CHARLES COUNTY, MISSOURI;)	
and JASON KING,)	
Defendants.)	

**DEFENDANT ST CHARLES COUNTY'S
STATEMENT OF UNCONTROVERTED MATERIAL FACTS**

Pursuant to F.R.Civ P. 56(a), Defendant St. Charles County submits the following statement of uncontroverted material facts in support of its motion for summary judgment.

1. Jason King is a former deputy sheriff who was terminated for reasons directed related to Plaintiff's traffic stop and his subsequent actions with her (**Plaintiff's Complaint**).

2. Mr. King received instruction and training on the St Charles County Sheriff's Department's Policies and Procedures (**Neer Depo Exh 4**) as well as the St Charles County Personnel Administration Program which is an employee's copy of the ordinances which define employment within the County government. **Neer Depo p.**

3. Jason King received continuous training throughout the years following his graduation from the academy in 2001. **Neer Depo. Exhibit 4.**

4. Jason King received awards and commendations during his time as a deputy sheriff. **Neer Depo Ex. 4**

5. Plaintiff D.B. is without any additional information pertaining to the training of Jason

King by Defendant St. Charles County.

6. Graduation from the Police Academy was a prerequisite to King's employment with County Government. **Exhibit C.**

7. St. Charles County monitored and supervised Jason King's compliance with its policies and procedures and was disciplined when he breached the policy and/or procedure.

8. St. Charles County Government is a county with a charter form of government and political subdivision of the State of Missouri. **Defendant St. Charles County's Answer.**

9. Under Missouri law, counties with a charter form of government have a charter adopted by the people. **Article VI, Section 18 (h) and Section 18 (b).**

10. Article VII Sections 7.100 and 7.200 require the County Council to adopt a Merit System and to provide for recruiting and retaining competent and able employees, including necessarily provisions for removal of workers who are not competent. **Article VII, Sections 7.100 and 7.200.**

11. The Merit System, known by the term Personnel Administration Plan, of PAP, contains a provision on discipline at Section 115.460.B regarding instances in which employee behavior is so inappropriate or performance is so unacceptable that it requires discipline without the use of progressive measures, but rather requires immediate and severe disciplinary action, including termination. **Section 115.460.B.**

12. Physical or verbal abuse of a citizen, falsification of official records and commission by the employee of an act that results in misdemeanor or felony charges or convictions are listed as some of the reasons that appointing authorities are to proceed with severe disciplinary action rather than progressive discipline. **Section 115.460.B.**

Respectfully Submitted,

OFFICE OF THE ST CHARLES
COUNTY COUNSELOR

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CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2013, a copy of the above and foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to:

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